

Remarks

The Examiner has rejected claims 1-5 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, as to claim 1 the Examiner notes that "especially.. two points in time" (lines 3-4) is indefinite. Claim 1 has been amended to remove the word "especially". Also the Examiner questions where the specification makes reference to a "ratio of fractions" (line 8). Claim 1 has been amended to remove this phrase. Similarly the language relating to a "peak" (line 9) has been removed. The Examiner has questioned whether the at least two frequency bands (lines 8-9) are related to the 1<sup>st</sup> and 2<sup>nd</sup> frequency bands of p. 5, line 6 from last and Fig. 4b. The frequency bands are f1u, f1o and f2u, f2o mentioned in paragraph 0034.

As to claim 2 the Examiner has noted that the term "greater than or equal to zero" is contradictory given the preceding claim language. Claim 2 has now been amended to remove the phrase "or equal to". Claim 2 has also been amended to more clearly define that the steps a-d are antecedent within claim 2. The term "stipulated value" has been removed from claim 2 and replaced with "threshold value of deviation" as described in paragraph 0031.

The Examiner asserts that the claims and/or specification will require extensive amendment so that each and every term/phrase in the claims is readily identifiable in the written specification. It is respectfully submitted that the claims as amended are consistent and identifiable with the written specification.

The Examiner has rejected claims 1 and 3-5 under 35 USC 103(a) as being unpatentable over Applicant's Statements in view of US Patent 4,831,365 to Thomas et al. It is respectfully submitted that the claims as now amended are patentable over the prior art. More particularly, claim 1 now requires that the sensor is mounted at a protected location on one of the bottom of the counterblade and the rear of the counterblade and the counterblade support. In Thomas et al. the sensor 21 is mounted to the tool holder, see fig. 1 and second to last paragraph of col. 4.

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In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



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